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UNCLAS CAIRO 001227

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FOR NEA/ELA AND L

E.O. 12958: N/A

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SUBJECT: ASSURANCES FOR FUGITIVE MURDER SUSPECT SAMEH
KHOUZAM

REF: STATE 31054

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1. (SBU) Taking advantage of a February 27 call on Minister of Justice Aboul Leil, Ambassador drew from reftel to urge the GOE to provide assurances, following of the precedent of the Nabil Soliman case, that would allow the U.S. to return to Egypt fugitive murder suspect Sameh Khouzam. The Ambassador stressed that both sides have an interest in seeing that justice is done in the Khouzam case. The written assurances from a senior official were necessary for the USG to move forward. He added that the USG fully understood and appreciated that torture is a criminal offense in Egypt and expected that there could be flexibility from the U.S. side on the nature of any monitoring mechanism established to track Khouzam's welfare.

2. (SBU) Aboul Leil, who had been briefed on the case in advance of the meeting, told the Ambassador that he "fully understood" the situation, but noted that the matter fell under the jurisdiction of Egypt's Public Prosecutor, "an independent legal entity." The Minister added his belief that "all we can do is guarantee that he will be treated in full accordance with Egypt's law and its constitution." That said, the Minister added, it may be possible for working levels on each side to reach an understanding that would be acceptable to both sides.

3. (SBU) Comment: Embassy Cairo recommends that Washington agencies review Public Prosecutor Maher Abdel Wahid's letter, conveyed in 05 Cairo 6755, for elements that might be incorporated into a compromise text that meets our minimum requirements for the return of Khouzam. The travel of a USDOJ delegation to observe the March 20-21 Judicial Cooperation Conference, and participate in subsequent March 22 bilateral MLAT discussions with the GOE, appear to present a good opportunity to negotiate assurances with the GOE. End comment.
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